

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1207 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- WARISLIGANJ District- Nawada

Pintal Mahto @ Pankaj Kumar Son Of Shiv Kumar Mahto @ Shiv Kumar
Resident Of Village-Jhour, P.S.-Warisaliganj, District-Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Tanti Son Of Shri Tanti Resident Of Village-Jhour, P.S.-
Warisaliganj, District-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Man Mohan Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-05-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

07.02.2023 passed by learned Exclusive Special Court,

SC/ST Act, Nawada in connection with Warisaliganj P.S.

Case No. 408 of 2022 instituted for the offences

punishable under Sections 147, 148, 149, 341, 323,

504, 506, 354(B), 302 of the Indian Penal Code,

Section 27 of the Arms Act and Sections 3(1)(r)(s) of

the SC/ST Act whereby his prayer for being released on

bail has been rejected.



The prosecution case as per F.I.R is that all the F.I.R named accused persons came with deadly weapons entered into the house of the informant and started abusing by calling caste name and assaulting. It is specifically alleged that on the order of Purushotam Mahto, co-accused Brajesh Mahto shot fire on the chest of the nephew of the informant, as a result of which, he sustained gunshot injuries and died at the spot. The accused persons also outraged the modesty of the women of the informant's side.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific accusation of shot fire is against Brajesh Mahto. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST would not be applicable in the case of the appellant. The appellant is in custody since 15.11.2022. A statement has been



made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 07.02.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST (POA) Act, Nawada in connection with Warisaliganj P.S. Case No. 408 of 2022.

(Sunil Kumar Panwar, J)

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